

Department of Children and Families
Public Hearing Summary and Response
Subsidized Guardianship
DCF 55/CR 16-048

Comments by Kids Matter Inc., Milwaukee

Comment 1

Guardianships are pushed by counties and families because they are faster and more flexible than adoptions. Problems arise because guardianships lack structure, there are no limitations on the number of times a parent can request that a guardianship be vacated even within a short period of time, courts order guardians to do things as a part of a guardianship that hinder a guardian's ability to move either within the state or out of state for a job promotion, and there are no limits on the types of crime parents can commit and still get a guardianship reversed and the child returned.

At a minimum, prospective guardians should be given more information about the realities of guardianship. If they were, they might be more likely to pursue adoption to ensure the safety of the child and their own economic mobility. Alternatively, guardianships should have more structure and safety loopholes should be closed.

Department response

These concerns relate to guardianships in general and are not limited to subsidized guardianships under ch. DCF 55. DCF will review these concerns for future legislative requests and possible additions to training materials.

Comment 2

The department should monitor the stability of guardianships, especially if a parent is temporarily in the same home with the guardian and the child.

Department response

In general, guardianship is a permanent placement that is not intended to be monitored in the same manner as an out-of-home care placement.

The department did revise the rule provision regarding the parent in the home to require the guardian to immediately notify the agency and to provide additional guidance for agency staff on possible responses, including contacting child protective services if child safety is an issue.

Comment 3

The department does not provide information to subsidized guardians on how to stop payments if a subsidized guardianship is terminated.

Department response

A prospective guardian and the agency sign a subsidized guardianship agreement that specifies the requirements of the program. It includes a section on contacting the agency if there is a change in specified circumstances, including the guardianship is terminated.

Comment 4

There should be age guidelines and a cross-check with the Family Care program for prospective guardians. Elderly people who are receiving a subsidy to allow them to stay in their home instead of a nursing home should not become guardians.

Department response

A prospective subsidized guardian is required to be licensed as a foster parent under ch. DCF 56. The agency must find that a prospective guardian is fit and qualified, including in good physical and mental health. Also, when determining whether a person would be a suitable guardian under s. 48.977 (4) (g), Stats., the court considers the willingness and ability of the person to serve as a guardian for an extended period of time or until the child attains the age of 18 years. If concerns arise at a later date, a report to child protective services may be appropriate.